

METROPOLITAN AREA PLANNING COMMISSION

MINUTES

April 4, 2002

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, April 4, 2002, at 12:30 P.M., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita Kansas. The following members were present: Jerry Michaelis, Chair; Bud Hentzen, Vice-Chair; Ron Marnell; Don Anderson; Bill Johnson; Harold Warner; Frank Garofalo; Ray Warren; Kerry Coulter; James Barfield; David Wells and John McKay, Jr. Elizabeth Bishop and Dorman Blake were not present. Staff members present were: Marvin S. Krout, Secretary; Dale Miller, Assistant Secretary; Neil Strahl, Senior Planner; Bill Longnecker, Senior Planner; Scott Knebel, Senior Planner; Donna Goltry, Principal Planner; Jess McNeely Associate Planner; Jamsheed Mehta, Chief Planner, Transportation Planning and Rose Simmering, Recording Secretary.

1. **Continued review of County policies on alternative sewage systems for rural lot development, presented by Irene Hart – Director, Division of Community Development.**

IRENE HART Presented a set of revised policy statements regarding the use of alternative community sewage systems (ACSS) in rural developments. The purpose of the policy is to reduce the potential for ground and surface water pollution, minimize health risks to those using on-site water wells and on-site waste water systems and provide an opportunity for open space and/or agricultural land conservation. She indicated they tried to address concerns by the City of Wichita regarding reliability and effectiveness of the systems, the construction, administration, and maintenance of the systems, and the effect ACSS might have upon the growth of public sewer systems. ACSS have been used nationally and have often been used in areas with high ground water, very flat or hilly terrain, and poor soils. System failure in the past was most frequently due to poor design resulting in water infiltration, and lack of routine oversight and maintenance. These systems have been approved in other states. She noted these were interim policy positions that included a proposal for a broad based oversight committee to review proposals utilizing ACSS prior to the filing of a plat to monitor, review and make recommendations. Only nitrogen-reducing systems would be considered for approval. If a system is proposed to be located within a municipal growth area, it must be designed for eventual connection to a public system. Developers proposing use of ACSS must petition for creation of a County Sewer District. No building permits will be issued until the ACSS has received all applicable permits for sewer systems design. County Commissioners noted with firefighting techniques such as dry hydrants, drop-off tanks, and other capabilities it is not necessary to restrict the location of developments in Sedgwick County due to distance from fire stations. Implementation of ACSS will not affect land use policy; it is a tool to be used within current land use policies regarding intensity of land use.

MICHAELIS Inquired about the formation of the oversight committee, and who will be on that?

HART Nothing formal, a member from the Health Department, an engineer and stakeholders listed in the policy statement.

MICHAELIS The make up of the committee is part of the policy?

HART Yes.

WARREN Sixty units per development?

HART Whatever current density is. They have to cluster to preserve open space.

MARNELL Makeup of the oversight committee...comments from our retreat recommended that we include those people on the oversight committee and they would be invited to the hearing.

HART General stakeholder representation?

MARNELL The comments we made last time included the recommendation for the inclusion of the City Water and Sewer Department and the rural development community.

HART Which city water and sewer department? It should not be limited to one community.

MARNELL Wichita would need to be noticed.

HART Indicated the proposal was for a: Design consultant, MAPD planner, MAPC member, a resident of the unincorporated area, and an environmental person.

MICHAELIS That was one thing we wanted was to be sure there was more than one person.

GAROFALO Water, Sewer and Health Department from the City?

HART It will be a workshop discussion.

GARAFALO The County Commission has not taken any action on this?

HART No Commission meeting yet.

KROUT Last time I thought you said that, yes, this included individual on site systems. Now you are saying this applies only community systems?

HART Yes.

KROUT Inquired about the process for approving individual on-site systems.

HART The Sanitation Code controls.

KROUT But will it speak to the density of individual on-site systems or other policies that are being proposed for community systems?

HART We have not talked about the outcome of 40 or 50 on-site systems.

KROUT Will you come back to the Planning Commission on whether those will be applicable? Commissioners noted that these policies will not affect land use development. The Comprehensive Plan does speak to cluster developments in rural areas, or it used to, which is consistent with what you are saying is that there is a recommendation in these interim policies for cluster developments. Impact fees, where do you think that will go for consideration?

HART They said that is a point of discussion, but not for a sewer policy, because of density.

KROUT What about monitoring? Will we have some sort of insurance in case there is a problem or a need for clean up?

HART The sewer district will be assessed for any clean up costs.

KROUT Where do you think this will go next?

HART I will take your comments and go back to the Commission.

KROUT I would suggest there be some public hearings on this matter, either through MAPC or the County.

WARREN Is this session for us to be briefed and advised?

MICHAELIS The County is looking for our input.

WARREN We should be wise in the way we use land. Ten families on 5 acres versus one family on 5 acres is better. We should preserve prime farmland. Health concerns are normal and I am for using our land more efficiently. I have real concerns with the new proposal requiring clustering.

KROUT I think the revisions, especially concerning density and clustering should be commended. Wise planning is continuing to grow by the orderly expansion of municipal services at the edge of cities, but if we were going to have development in the County, these revisions are an improvement.

2. Approval of the MAPC minutes for March 21, 2002 and MAPC retreat minutes March 1, 2002.

MOTION: That the minutes for March 21, 2002 and MAPC retreat March 1, 2002 be approved.

MICHAELIS moved, **WARREN** seconded the motion, and it carried (11-0).

3. Consideration of Subdivision Committee Recommendations

Items 3-1 and 3-3 were taken separately.

Items 3-2, 3-4 to 3-8 were taken in one motion.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MARNELL moved, **COULTER** seconded the motion, and it carried (11-0).

MICHAELIS Should we postpone this item for the end of the agenda? We will hold off now and go back to item 3-1.

3/2. SUB2002-05 – Final Plat of WINDING CREEK ESTATES ADDITION, generally located on the west side of 295th Street and north of 31st Street South.

- A. Since neither municipal water nor sanitary sewer is available to serve this property, the applicant shall contact the **County Code Enforcement** to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities and water wells. A memorandum shall be obtained specifying approval. **County Code Enforcement** has advised that the lots will be served by septic systems. **A flood study is needed.**

- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. **County Engineering** needs to comment on the status of the applicant's drainage plan. **A drainage plan is needed. Minimum pads will be determined upon approval of the drainage plan. A better description of the benchmark location needs to be shown on the plat.**
- D. The plat's text on the final plat shall denote the creation of the floodway reserves in addition to including the standard floodway language.
- E. Access control except one opening has been platted along 295th St. West. The final plat tracing shall reference the dedication of access controls in the plat's text. **County Engineering has approved the access controls. The opening shall be located north of the bridge.**
- F. **County Engineering** has requested a 60-ft dedication of street right-of-way along 295th St. The dedication shall be referenced in the plat's text as being dedicated to the public.
- G. The temporary construction easement may be eliminated.
- H. **County Surveying** has advised that deltas with 50' and 20' radius on the cul-de-sac need to be shown.
- I. A covenant or agreement shall be submitted regarding Reserves A and B platted for private street purposes, which sets forth ownership and maintenance of the private street, and future reversionary rights of the reserves to the lots benefiting from the reserves. The plat's text on the final plat shall reference the platting of the reserves for private street purposes and shall state which specific lots are to be accessed by the reserves.
- J. **County Engineering** shall comment on the proposed paving. **A 32-ft standard suburban street (sand surface) is required within Reserve A up to the east line of Lot 5. The remainder of Reserve A shall be the standard 36-ft rock surface.**
- K. The private street will need to be installed and approved prior to any construction being permitted or building permits being issued.
- L. **County Fire Department** needs to comment on the street length of the proposed cul-de-sac (1,300 feet). Rural cul-de-sacs over 1,200 feet in length must provide a stub street connection providing future access to adjoining tracts. **Reserve B shall be platted extending from Reserve A to the west property line. Both Reserve A and B shall be dedicated as a public street in the event the abutting property to the west is platted.**
- M. The **County Fire Department/GIS** needs to comment on the plat's street names. **The street name has been approved.**
- N. For legal description purposes, the plat shall include Reserves A and B for the private street, and Reserves C and D for the floodway reserves. Said reserves shall be referenced in the plat's text.
- O. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- P. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- Q. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- R. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- S. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- T. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- U. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- V. Perimeter closure computations shall be submitted with the final plat tracing.
- W. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.

- X. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- Y. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MARNELL moved, **COULTER** seconded the motion, and it carried (11-0).

- 3/4. DED2002-09** – Dedication of a Utility Easement, from Set V. Nguyen and Nam T. Tran, generally located north of 18th Street and east of West Street.

OWNER/APPLICANT: Set V. Nguyen and Nam T. Tran, 916 N. West Street, Wichita, KS 67212

LEGAL DESCRIPTION: The west 2 feet of the east 10 feet of Lot 4, Newton Gardens, Wichita, Sedgwick County, Kansas.

PURPOSE OF DEDICATION: This Dedication is a requirement of Zoning Case No. ZON 2001-35, and is being dedicated for construction and maintenance of public utilities.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MARNELL moved, **COULTER** seconded the motion, and it carried (11-0).

- 3/5. DED2002-10** - Contingent Dedication of Access Control, from Set V. Nguyen and Nam T. Tran, generally located north of 18th Street and east of West Street.

OWNER/APPLICANT: Set V. Nguyen and Nam T. Tran, 916 N. West Street, Wichita, KS 67212

LEGAL DESCRIPTION: Lot 4, Newton Gardens, Wichita, Sedgwick County, Kansas.

PURPOSE OF DEDICATION: This Contingent Dedication is a requirement of Zoning Case No. ZON 2001-0035, and is being dedicated for access control along West Street. The north opening will be closed upon development of a non-residential use.

Planning Staff recommends that the Dedication be accepted.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MARNELL moved, **COULTER** seconded the motion, and it carried (11-0).

- 3/6. DED2002-00011** – Dedication of Street Right-of-Way, from Set V. Nguyen and Nam T. Tran, generally located north of 18th Street and east of West Street.

OWNER/APPLICANT: Set V. Nguyen and Nam T. Tran, 916 N. West Street, Wichita, KS 67212

LEGAL DESCRIPTION: The west 10 feet of Lot 4, Newton Gardens, Wichita, Sedgwick County, Kansas.

PURPOSE OF DEDICATION: This Dedication is a requirement of Zoning Case No. ZON 2001-35, and is being dedicated for 10 feet of street right-of-way along West Street.

Planning Staff recommends that the Dedication be accepted.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MARNELL moved, **COULTER** seconded the motion, and it carried (11-0).

- 3/7. DED2002-00012** – Dedication of a Public Utility Easement from Gregory Ferris, generally located on the southwest corner of Second Street and Kansas Avenue.

OWNER/APPLICANT: Gregory Ferris, P.O. Box 573, Wichita, KS 67201

LEGAL DESCRIPTION: The south 10 feet of Lots 24-34 (even) on Second Street, and the west 20 feet of the south 42.5 feet of Lot 24 on Second Street, all in Mosbacher's Addition to Wichita, Kansas, Sedgwick County, Kansas.

PURPOSE OF DEDICATION: This Dedication is a requirement of Lot Split No. SUB 2002-20, and is being dedicated for construction and maintenance of public utilities.

Planning Staff recommends that the Dedication be accepted.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MARNELL moved, **COULTER** seconded the motion, and it carried (11-0).

3/8. DR2002-10 – Street Name Change from Stackman Drive and Sims Park Drive to Museum Boulevard.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MARNELL moved, **COULTER** seconded the motion, and it carried (11-0).

14. Briefing on the proposed Transportation Improvement Program (T.I.P.) for the years 2002 to 2007, including review of Federally Funded projects, and setting of a public hearing date for April 18, 2002, to approve the T.I.P.

MEHTA provided the following comments: The TIP is a listing of all regionally significant transportation projects, including federally funded projects, within the Wichita and Sedgwick County Metropolitan area. The Wichita-Sedgwick County Metropolitan Area Planning Organization has the responsibility for programming all federally funded projects within the Wichita Urban Area.

This proposed TIP covers years 2002 through 2007 and costs \$1.03 billion. The document includes transportation projects from the CIP of the City of Wichita and Sedgwick County.

The Cities of Kechi, Park City, Bel Aire, Eastborough, Haysville, and Wichita are located within the Wichita Urban Area, and are eligible to apply for Urban Area Funds. Three categories of Urban Area (federal funds) are available to the MPO for programming. The six-year total of federal urban area funds provides for about 68 projects, including Sedgwick County's N. Broadway Bridge over the BNSF Railroad, and the City of Bel Aire's Woodlawn Road project from 37th to 45th Street. A listing of these projects is public record.

I also want to inform you about

Projects deviating from Wichita's CIP, and New Projects proposed at the TAC meeting; These include:

Rock 21 to 29th in Wichita CIP requesting TIP 2003
Central (Oliver Woodlawn) in Wichita CIP 2004; requesting TIP 2003
13th and Broadway (intersection) in Wichita CIP 2007; requesting TIP 2006
Hoover (Harry – 31st S.) not in Wichita CIP; requesting TIP 2002
Central (Maize – Tyler) in Wichita CIP 2003; requesting TIP 2002
119th (21st – ½ mile south) in Wichita CIP 2205; requesting TIP 2002
71st Broadway – KTA requested by Haysville
Wichita Transit Van Pool Program requesting TIP 2003
111th (Rock – Webb) Mulvane

We will confirm the status of these projects next time when we hold the public hearing on approving the T.I.P.

The Technical Advisory Committee reviewed the TIP on April 1, 2002, and made recommendations to the MPO. The Public Hearing on the proposed TIP will be held by the MPO on April 18, 2002.

Recommendation: Provide comments regarding the federally funded projects, and set a public hearing date to adopt the 2002 TIP on April 18, 2002.

GAROFALO I don't find the 47th Street from Broadway over to I-135 project in here.

MEHTA Yes, it is a study that was approved with system enhancements under KDOT. The construction project however, is a City project, from I-135 to Hydraulic - that is a 2007 project.

ANDERSON Are the projects listed in here carried in the City and County CIP programs? What about Department of Transportation funding?

MEHTA Only projects with real funds behind are included, which is why we use the approved. Other federally funded projects are also included Wichita and the County CIP.

ANDERSON What is the real purpose behind this document, this transportation improvement program, to get federal funds?

MEHTA Following the 30-year Transportation Plan that only identifies future needs, their T.I.P. document programs projects over the next 5 years that are a higher priority. However, every project in the T.I.P. must be fiscally constrained, i.e. real committed funds have to be entered.

Regarding the three federal funding categories for the Wichita Urban Area, we get over \$10. Million each year, and our job is to maximize the use of these federal funds.

ANDERSON What does this program do? The TIP document is this a controlling device or is it the CIP?

MEHTA The T.I.P. process includes working with Wichita, Sedgwick County and the other smaller cities to apply for the use of federal funds. Projects that do not have a federal aid component are also included in the documents but regarding federally – funded projects for these three categories of funds; STP, CMAQ and Bridge-funds, you, the MPO decide if it's a good idea or not. If a project is not listed in the T.I.P, state or federal agencies will not allow the use of those funds.

The reason we look to the city or county's C.I.P. is to ensure that the respective governing body has approved the necessary local funds to match the state or federal dollars.

KROUT From time to time we evaluate the Wichita CIP or the County CIP because there are several communities who are competing for those funds and only the MPO can make those decisions.

ANDERSON I was trying to determine for my on mind how this document is going to be utilized as far as the implementation to these projects. Obviously we need this for the federal funds.

MEHTA Yes for federally funded projects. It must be in this document.

ANDERSON Only if there are federal funds.

3/1. **SUB2002-00021** - One Step Final Plat of CENTRAL AND ROCK ADDITION, generally located on the northeast corner of Central and Rock Road.

- A. Municipal services are available to serve the site. **City Engineering** needs to comment on the need for guarantees or easements. **No guarantees or easements are required.**
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. **City Engineering** needs to comment on the status of the applicant's drainage plan. **The drainage plan is approved.**
- D. The plat proposes one access opening along both Central and Rock Road. Distances should be shown for all segments of access control. **The proposed access openings have been approved. If a cross-lot access agreement can be obtained with the abutting properties to the east and north, then both driveways shall be closed. Traffic Engineering has requested that the opening along Central be limited to right turns only.**
The Subdivision Committee approved full turning movements for the opening along Central.
- E. The applicant has platted a triangular corner clip with a 50-ft right-of-way along Central and a 60-ft right-of-way along Rock Road. **Traffic Engineering has requested a 10-ft contingent street dedication.**
In lieu of the contingent street dedication, the Subdivision Committee has required a 10-foot utility easement along Central.
- F. The applicant shall submit an avigational easement covering all of the subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.
- G. The owners noted in the platting binder need to be signatories to the plat.
- H. The platlor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights -of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- I. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- J. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- K. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.

- L. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- M. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- N. Perimeter closure computations shall be submitted with the final plat tracing.
- O. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- P. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property. **Southwestern Bell has requested additional easements.**
- Q. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

STRAHL, planning staff, noted this was a One Step Final Plat of the Central and Rock Addition. At the last Subdivision Committee meeting the Central and Rock openings were approved. Street right-of-way is the issue today. The applicant has platted a corner with a 60-foot right-of-way. What is required is 75 feet right-of-way. Traffic Engineering has been seeking a dedication along Central.

GAROFALO My concern is the access for a right turn only. Can you point that out there? How close is that to the corner?

STRAHL About 120 feet, just estimating.

GAROFALO I am concerned about that. Why didn't the Subdivision Committee go along with a right turn in and right turn out?

WARREN Provided background on the motion approved by the Subdivision Committee noting that they did not want to restrict access because everyone will be turning in and out of there.

GAROFALO There is so much congestion there now as it is, and I don't know how anybody is going to get in and out of there.

WARREN There really was not a good solution there.

GAROFALO It may cut down some of the traffic there.

BARFIELD The best solution would have been to close the access point at that east drive. That is the best solution for it actually.

TIM AUSTIN, agent, this site has an overhead billboard sign on it now owned by Clear Channel. Clear Channel has the position that the City of Wichita had the opportunity earlier to have the right-of-way. This property is under contract and those contracts did have certain meanings.

DAVID MOLLHAGEN, 3405 N Hydraulic, representing Clear Channel Communications, stated that they view this dedication as a taking. There is no showing of this need. This 10-foot utility easement should take care of that. If the City was worried about that, why didn't they take it then? We cannot market this property with this road right-of-way in the way. If the City was to be willing to go ahead with this dedication, would the City be interested in buying that entire lot. We are very business minded and we have agreed with the City for continued work and growth in that area.

WELLS Who did you negotiate with from the City?

MOLLHAGEN John Philbrick from Property Management. Last year we did have negotiations at that time when the contracts were being drawn up.

LINDEBAK I have visited with Property Management and I asked him what were your negotiations? Only the right-of-way that was being asked at that point in time was discussed. At that time, I think that Scott Logan was present at the Subdivision meeting, and he was not aware of what had happened in the past. We have made improvements to this intersection and we want a contingent dedication at major arterials. Ones that are this important. The 10 foot utility easements does not do much good to put a right turn lane at this location or dual turn lanes on Central. We still have the need for a sidewalk area that I think we need to accommodate the development to widen Central east of Rock Road.

WARREN How would the City get the rest of the land along Central?

LINDEBAK It is already dedicated. This property has never been platted.

WARREN With the easement, would that make the land more affordable with eminent domain?

LINDEBAK That restricts the amount of parking and I think that you end up with a situation that puts everyone at a degree of stress.

KROUT How about the first 20 feet?

LINDEBAK We paid out the nose for that land in the 70's or early 80's.

KROUT The dedication that is expected, we paid for 20 to 30 feet already?

LINDEBAK Yes, we did pay for the additional 10 feet on Rock Road. Twice.

KROUT That was acquired too? A lot of previous right of way has already been obtained.

WARREN This is not a typical plat.

WARNER When we were discussing this at Subdivision, why wasn't this 10-foot done then instead of at this time?

LINDEBAK We agreed to negotiate for the right-of-way for the project at that time. We had talked to a prior owner about a dedication at that time, but that was a while ago.

MARNELL Will a 10-foot utility and sidewalk easement met your needs?

LINDEBAK We could make that work.

AUSTIN The sidewalk easement, we could agree with that south 4 ft of that. We need to see how much room I have, but we would work with the City on that.

KROUT Have you taken the Landscape Plan into account. The Planning Department will work with you

MICHAELIS Can we defer this for a while?

AUSTIN Yes.

MARNELL Utility easement?

WARREN Waiver of Landscape requirements?

KROUT We will work that out.

MARNELL What about the 10 ft utility easement that is in the subdivision recommendation.

WARREN A full easement, not a dedication.

AUSTIN Contingent sidewalk.

MOTION: To approve Item 3-1 subject to staff recommendation and subject to a 5-foot sidewalk easement on the south line and to reduce the landscape requirement.

WARREN moved, **COULTER** seconded the motion, and it carried (12-0).

4. **Consideration of Vacation items**

Items 4-1 through 4-3 were taken in one motion.

4/1. **VAC2002-00005** – Request to vacate 63rd Street South.

APPLICANT: Vulcan Chemicals c/o Steve Nikkel

AGENT: Milo M Unruh Jr

LEGAL DESCRIPTION: Existing roadway and abutting drainage ditches located in the South ½ of Section 27 and the north ½ of Section 34, Township 28 South Range 1 West, of the 6th PM, Sedgwick County, Kansas, said roadway and drainage ditches laying each side of a line described as beginning at a point on the south line of said Section 27 & 75-ft east of the Southwest corner of said Section 27; thence along the south line of Section 27; and all that portion of 63rd Street South as platted on the Vulcan – Frontier Addition, Sedgwick County, Kansas except the west 60-ft thereof.

LOCATION: Generally located between Hoover Rd and Ridge Rd

REASON FOR REQUEST: The applicant proposes closing road for continuation of its property.

CURRENT ZONING: Subject property is Dedicated Public ROW. Properties abutting 63rd St S on the south side are zoned RR Rural Residential. Properties abutting 63rd St S on the north side are zoned GI General industrial. Properties west of 63rd St S – Ridge Rd intersection are zoned GI General industrial. Properties east of 63rd St S – Hoover Rd intersection are zoned RR Rural Residential and a small property zoned GC General Commercial.

The applicant proposes closing 63rd St S for the purpose of joining its north and south properties, which are separated by this road. The applicant proposes to grade and fill in the road. The resulting uninterrupted properties are proposed to be a nature center. The applicant owns all abutting properties, with the northwest quarter developed for industrial use and the remaining 3 quarters not developed. There is extensive GI General Industrial and LI Limited Industrial zoning with industrial development or RR Rural Residential zoning and agricultural uses (some scattered residences) in the adjacent area that have access to either Hoover Rd, Ridge Rd, or 55th St S. 55th St S is a paved 2-lane County Arterial, west of Ridge Rd. Ridge Rd is a paved 2-lane County Arterial. Hoover Rd is a paved 2-lane County Arterial. 63rd Street S is an unimproved road at this location, with no current plans for improvements in the future. 63rd Street S does not provide direct access across the Wichita-Valley Center Flood Control easement, the nearest major barrier, which is east of the site. Access across the Wichita-Valley Center Flood Control easement is provided by 55th St S (a 2-lane County Arterial), 1 mile north and Meridian Ave (a 4 lane county arterial) 2 miles east.

This section of 63rd St S is split length ways by two Subdivision jurisdictions; the City of Haysville on the south and Sedgwick County on the north. This vacation request was approved by the City of Haysville as Resolution 02-02, February 11, 2002.

Planning Staff recommends the vacation request of the portion of 63rd St South as described in the legal description.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time March 14, 2002, which was at least 20 days prior to this public hearing.
 2. That private rights will not be injured or endangered by the vacation of the above-described portion of 63rd Street South, and the public will not suffer loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be approved.
- B. Therefore, the vacation of the portion of 63rd Street South described in the petition should be approved subject to the following conditions:
- (1) Retain this portion of 63rd Street South, as described in the legal description, as a utility easement.
 - (2) Guarantee the closure of the this portion of 63rd St S or that it be maintained as a private drive according to County standards. If closed provide emergency access for the County and Safety Services.
 - (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
 - (4) All improvements shall be according to City Standards.

MOTION: To approve, subject to staff comments and citing the findings in their report.

GAROFALO moved, **WELLS** seconded the motion, and it carried (12-0).

4/2. VAC2002-00006 – Request to vacate a portion of a platted 10-foot utility easement.

OWNER/APPLICANT: Ted Wilbur

AGENT: Austin Miller Inc c/o Tim Austin

LEGAL DESCRIPTION: The east 312.20-ft of the north 10-ft of Lot 1, Blk 1, Wilbur Addition.

LOCATION: Generally located northwest of the K-96 – Hillside Ave intersection.

REASON FOR REQUEST: The applicant proposes relocation of a portion of the existing 10-ft utility easement along new property boundary.

CURRENT ZONING: Subject property and all abutting properties are zoned LI Limited Industrial.

The applicant proposes relocation of the east 312.20-ft portion of the existing platted 10-ft utility easement on the north side of Lot 1, Blk 1, Wilbur Add. There has been a boundary shift between the subject property and the property to the north, with the northern property acquiring a thin triangular portion (see Ex A) of the subject property. The applicant proposes to dedicate a 10-ft utility easement to conform to the boundary shift.

Planning Staff recommends the vacation request of the portion of the platted 10-ft easement as described in the legal description.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time March 14, 2002, which was at least 20 days prior to this public hearing.

2. That private rights will not be injured or endangered by the vacation of the above-described portion of the platted easement, and the public will not suffer loss or inconvenience thereby.

3. In justice to the petitioner, the prayer of the petition ought to be approved.

C. Therefore, the vacation of the portion of the platted easement described in the petition should be approved subject to the following conditions:

(1) Vacate only that portion of the platted 10-ft easement as described in the submitted legal description and shown on the submitted site plan and provide Staff with dedication of new 10-ft easement for recording with Register of Deeds.

(2) Record a boundary shift with the Count Clerk, reflect the new property line.

(3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.

(4) All improvements shall be according to City Standards.

MOTION: To approve, subject to staff comments and citing the findings in their report.

GAROFALO moved, **WELLS** seconded the motion, and it carried (12-0).

4/3. VAC2002-00007 – Request to vacate a portion of a platted 35-foot front setback.

OWNER/APPLICANT: Chris Keeter

LEGAL DESCRIPTION: Commencing at a point on the West line of Lot 4, Meridian Industrial Park Addition, to Wichita, Sedgwick County, Kansas, said point being 35-ft South of the Northwest corner of said lot 4; thence East, on the 35-ft building setback line, a distance of 59-ft, to the point of beginning; thence North, parallel to the West line of said Lot 4, a distance of 10.17-ft; thence East, parallel to the North line of said Lot 4, a distance of 19.15-ft; thence South, parallel to the North line of said Lot 4, a distance of 10.17-ft to the 35-ft building setback line; thence West to the point of Beginning .

LOCATION: Generally located southwest of the Harry St – Meridian Av intersection, 2605 W Esthner

REASON FOR REQUEST: The applicant proposes to add greenhouse - sunroom to the front of the existing steel and metal building.

CURRENT ZONING: Subject property is zoned LI Limited Industrial. Properties to the south, west and east are zoned LI Limited Industrial. Properties to the north are zoned SF-5 Single-Family Residential.

The applicant proposes to add an 11-ft (x) 19.15-ft greenhouse – sunroom addition to his existing steel and metal building. The addition will encroach 10.17-ft into the platted 35-ft setback for a 19.15-ft, the length of the addition. Current UZC front setback for LI zoning is 20-ft. The proposed encroachment will not exceed the current UZC LI zoning standard. The encroachment will be in only a portion of the platted 35- setback, equal to the size of the addition per the legal description

Planning Staff recommends the vacation request of the portion of the platted 35-ft setback as described in the legal description.

A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time March 14, 2002, which was at least 20 days prior to this public hearing.

2. That private rights will not be injured or endangered by the vacation of the above-described portion of the platted setback, and the public will not suffer loss or inconvenience thereby.

3. In justice to the petitioner, the prayer of the petition ought to be approved.

B. Therefore, the vacation of the portion of the platted setback described in the petition should be approved subject to the following conditions:

(1) Vacate only that portion of the platted 35-ft setback as described in the submitted legal description and shown on the submitted site plan.

(2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.

(3) All improvements shall be according to City Standards.

MOTION: To approve, subject to staff comments and citing the findings in their report.

GAROFALO moved, **WELLS** seconded the motion, and it carried (12-0).

HENTZEN Amend motion to adopted the findings if that is all you think you need.

5. **ZON2001-00069**- Kansas Gas & Electric Company c/o Hazel E. Sutherland (owner/applicant); Ritchie Corporation c/o H.T. Ritchie (contract purchaser); requests Zone Change from "SF-5" Single-Family Residential to "LI" Limited Industrial, on property described as:

A tract of land in the SW 1/4 of Sec. 20 and the NW 1/4 of Sec. 29, Twp. 26-S, R-1-E of the 6th P. M., Sedgwick County, Kansas, being more particularly described as follows: Beginning at a point on the south line of said Sec. 20, 118.22 feet east of the SW corner of said Sec. 20; thence N39 degrees 51'00"E for a distance of 165.53 feet; thence N20 degrees 52'00"W for a distance of 22.62 feet; thence N68 degrees 59'00"E for a distance of 68.44 feet; thence N83 degrees 37'00"E for a distance of 175.00 feet; thence S71 degrees 28'00"E for a distance of 247.72 feet to a point of curvature; thence along a 12 degrees 51.02' curve to the right described by the following chord bearings and distances: S68 degrees 12'00"E for a distance of 50.98 feet; thence S58 degrees 30'00"E for a distance of 99.79 feet; thence S45 degrees 39'00"E for a distance of 59.22 feet to the south line of said Sec. 20 to a point described as being 772.88 feet west of the SW corner of said Sec. 20, said point is calculated at a distance of 863.72 feet; thence continuing along a 12 degrees 51.02' curve to the right described by the following chord bearings and distances: S45 degrees 39'00"E for a distance of 40.57 feet; thence S32 degrees 48'00"E for a distance of 99.79 feet; thence S19 degrees 57'00"E for a distance of 99.79 feet; thence S03 degrees 35'00"E for a distance of 153.91 feet to a point of tangency; thence S06 degrees 21'00"W for a distance of 69.66 feet; thence S02 degrees 00'00"E for a distance of 130.11 feet per recorded tract numbers 73(A), 73(B), and 76 of the Chisholm Creek Diversion, Condemnation Case A-39338; thence S02 degrees 00'00"E for a distance of 19.60 feet to the intersection of a 15 foot offset of the centerline of the railroad tracks; thence on a curve to the left a length of 37.02 feet having a radius of 545.47 feet with a chord bearing of S66 degrees 52'05"W for a distance of 37.01 feet to a point of tangency; thence S63 degrees 40'18"W for a distance of 213.89 feet being parallel with said railroad tracks and 15 foot offset of centerline thereto; thence on a curve to the right a length of 50.17 feet having a radius of 458.05 feet with a chord bearing of S68 degrees 43'27"W for a distance of 60.13 feet being parallel with said railroad tracks and a 15 foot offset of centerline thereto; thence N04 degrees 7'21"W for a distance of 282.82 feet; thence on a curve to the left a length of 48.46 feet having a radius of 28.15 feet; with a chord bearing of N53 degrees 56'06"W for a distance of 42.69 feet; thence S76 degrees 45'09"W for a distance of 224.83 feet; thence S88 degrees 09'16"W for a distance of 398.01 feet; thence parallel with west line of said NW 1/4 of Sec. 29, N00 degrees 19'00"W for a distance of 393.95 feet; thence N39 degrees 51'00"E for a distance of 94.32 feet; thence N89 degrees 57'00"E for a distance of 27.76 feet to the point of beginning. Said tract contains 566,680.00 + Sq. Ft. Generally located North of I-235 and east of Seneca.

MOTION: To defer for 2 weeks.

BARFIELD moved, **HENTZEN** seconded the motion, and it carried (12-0).

7. **CON2002-00007** –Angel Dillard (owner) requests Conditional Use for accessory apartment, on property described as:

Beginning at a point on the North line and 740.00 feet East of the Northwest Corner of the Northeast Quarter of Section 5, Township 25 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas, thence continuing along the North line of said Northeast Quarter bearing South 89 degrees 00' 32" East, a distance of 1912.29 feet to the Northeast Corner of the Northeast Quarter; thence along the East line of said Northeast Quarter bearing South 00 degrees 00' West, a distance 1305.58 feet to the Southeast Corner of the North Half of the Northeast Quarter; thence along the South line of the North Half of the Northeast Quarter bearing North 89 degrees 36' 19" West, a distance of 456.29 feet; thence bearing North 02 degrees 07' West, a distance of 687.85 feet; thence bearing North 10 degrees 48' West, a distance of 37 feet; thence bearing South 85 degrees 02' West, a distance of 929.00 feet; thence bearing South 89 degrees West, a distance of 296.00 feet; thence bearing South 43 degrees 14' West, a distance of 51.00 feet; thence bearing North 86 degrees West, a distance of 100 feet; thence bearing North 03 degrees 15' West, a distance of 235 feet; thence bearing North 73 degrees West, a distance of 70 feet; thence bearing North 19 degrees 27', a distance of 127.50 feet; thence bearing South 89 degrees 00' 32" East, a distance of 42 feet; thence bearing North 02 degrees 11' 22" East, a distance of 353.24 feet to the point of beginning, except the East 50 feet of the South 474 feet thereof. Generally located on the South side of 125th Street North and west of 95th Street East.

BACKGROUND: The applicant is requesting a "Conditional Use" to allow an accessory apartment on a 33-acre tract located on the south side of 125th Street North and west of 95th Street East, located on the Harvey County line. The property is zoned "RR" Rural Residential. The request is being made for construction of a separate office to be used by applicant's husband as a home office. Since the office will contain kitchen and sleeping quarters, it is classified as dwelling unit and thus requires "Conditional Use" approval for an accessory apartment.

The existing home is located near the front of the property. It is an old homestead that is situated in a heavily wooded site and there are several outbuildings on the property.

The surrounding area is rural in character, mostly agricultural fields and pastures.

As per the Unified Zoning Code, the "Conditional Use" requirements for accessory apartments stipulate the following:

- (a) a maximum of one accessory apartment may be allowed on the same lot as a single-family dwelling;
- (b) the appearance of an accessory apartment shall be compatible with the main dwelling and with the character of the neighborhood;
- (c) the accessory apartment shall remain accessory to and under the same ownership as the principal single-family dwelling, including that it shall not be subdivided or sold as a condominium; and
- (d) the water and sewer service provided to the accessory structure shall not be provided as separate service from the main dwelling.

CASE HISTORY: The property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	"A-1" Agricultural	Agricultural
SOUTH:	"RR" Rural Residential	Agricultural
EAST:	"RR" Rural Residential	Agricultural
WEST:	"RR" Rural Residential	Agricultural

PUBLIC SERVICES: The property is located along an unpaved township road.

CONFORMANCE TO PLANS/POLICIES: The 2001 Sedgwick County Development Guide Land Use Guide of the 1999 *Update to the Wichita-Sedgwick County Comprehensive Plan* designates this area as "rural".

RECOMMENDATION: Based upon information available prior to the public hearing, Staff recommends that the request be **APPROVED** subject to the following conditions:

- 1. The accessory apartment shall be subject to all requirements of Section III-D.6.a of the Unified Zoning Code.
- 2. The applicant shall obtain all applicable permits, including but not limited to: building, health, and zoning.
- 3. Any violation of these conditions shall render this Conditional Use Permit null and void.

This recommendation is based on the following findings:

- 1. The zoning, uses and character of the neighborhood: The area is rural in character. No other homes are near the farmstead (original home) and the site. The area is most accurately characterized as rural agricultural and pasture land. The farmstead is located within a wooded site.
- 2. The suitability of the subject property for the uses to which it has been restricted: Accessory apartments are allowed as a "Conditional Use" in "RR" provided the applicant and the site meet the specified criteria. The applicant and the site appear to meet these criteria.
- 3. Extent to which removal of the restrictions will detrimentally affect nearby property: Any detrimental effect should be minimized by the large size of the parcel (33 acres), which is more than ample to maintain a rural character to the farm.
- 4. Conformance of the requested change to adopted or recognized Plans/Policies: The Unified Zoning Code makes specific provision for accessory apartments in "RR". This application appears to comply with all the provisions outlined in the UZC for accessory apartments.
- 5. Impact of the proposed development on community facilities: The applicants' request should have a minimal impact on community facilities.

MOTION: To approve, subject to staff comments and citing the findings in their report.

WARNER moved, **COULTER** seconded the motion, and it carried (12-0).

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- 10. **CON2002-00008** – City of Wichita, c/o Norman Jackovac requests Conditional Use to allow safety service on property described as:

Lot 3 and the North 30 feet of Lot 2, Brunch Addition, Wichita, Sedgwick County, Kansas. Generally located North of 21st Street North and east of Coolidge.

BACKGROUND: The applicant is requesting a Conditional Use to allow the construction of a fire station on a 1.12 acre platted tract located north of 21st Street North and east of Coolidge. The subject property zoned "LC" Limited Commercial, "GO" General Office, and "SF-5" Single-Family Residential. A fire station is included in the Unified Zoning Code definition of Safety Service, which is

permitted by right in the "LC" Limited Commercial and less restrictive zoning districts but requires a Conditional Use in more restrictive zoning districts.

The subject property is currently developed with a vacant, single-story office/retail building. The applicant proposes to raze the existing building and redevelop the site with a fire station per the attached site plan. The site plan shows the fire station located approximately in the center of the site, with a parking area located south and east of the fire station. Two access drives to Coolidge are shown, with the southern access drive to be used for fire trucks leaving the station and the northern access drive to be used when fire trucks return to the station. A landscaped street yard is provided along the Coolidge street frontage, and landscaped buffer yards are provided along the north and south property lines. The specific landscape materials to be used in the landscaped yards will be determined through a separate landscape plan to be approved by the Planning Director and the Zoning Administrator.

The subject property abuts residential zoning to the east and north, and normally screening would be required along both property lines. However, the Unified Zoning Code provides an exception to the screening requirements when properties are separated by a major barrier. The Little Arkansas River located east of the subject is specifically defined by the Unified Zoning Code as a major barrier; therefore, screening will be required only along the north property line. The existing fence located along the north property line satisfies the screening requirement.

The character of the surrounding area is dominated by the regional-scale commercial uses located at the intersection of 21st Street North and Amidon. Residential uses to the north and east also are located in close proximity to the subject property. The properties located west of the subject property across Coolidge are zoned "LC" Limited Commercial and "B" Multi-Family Residential and are developed with a grocery store and single-family residences, respectively. The properties located south of the subject property are zoned "LC" Limited Commercial and are developed with office and retail uses. The property located east of the subject property across the Little Arkansas River is zoned "B" Multi-Family Residential and is developed with apartments. The properties located north of the subject property are zoned "SF-5" Single-Family Residential and are developed with single-family residences.

CASE HISTORY: The subject property is platted as the north 30 feet of Lot 2 and all of Lot 3, Brunch Addition, which was recorded December 3, 1957.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-5"	Single-family residences
EAST:	"B"	Apartments
SOUTH:	"LC"	Retail, office
WEST:	"LC" & "B"	Grocery store, single-family residences

PUBLIC SERVICES: The subject property has frontage along Coolidge, a paved local street; however, the subject property will access 21st Street North via the intersection with Coolidge located ½ block to the south. In this location, 21st Street North is a five-lane arterial street with current traffic volumes of approximately 21,500 vehicles per day. The 2030 Transportation Plan projects traffic volumes on 21st Street North to increase to approximately 23,250 vehicles per day. The proposed use of will decrease the potential traffic generation by the subject property, and many of the trips generated by the subject property will be by emergency vehicles for which other vehicles must yield. Public water and sewer service are currently available to the subject property.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Commercial" development. The proposed development of the subject property with a fire station is consistent with the "Commercial" land use designation. The Fire Station Location Study completed in February 2000 identifies the 21st Street North and Amidon area as the appropriate location to relocate Fire Station #7, which is currently located at the intersection of 13th Street North and St. Paul. The Fire Station Location Study indicates that Fire Station #7 needs to be relocated because the current station is in too small for newer fire trucks and is in a poor location relative to the coverage needs of northwestern central Wichita.

RECOMMENDATION: Based upon the information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. The site shall be developed in general conformance with the approved site plan.
2. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
3. Any violation of the conditions of approval shall render the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the surrounding area is dominated by the regional-scale commercial uses located at the intersection of 21st Street North and Amidon. Most of the property in the area is zoned "LC" Limited Commercial. The proposed use of the subject property as a fire station is compatible with the zoning, uses, and character of the neighborhood.
2. The suitability of the subject property for the uses to which it has been restricted: The subject property is zoned "LC" Limited Commercial, "GO" General Office, and "SF-5" Single-Family Residential. The subject property is suitable for office and retail uses permitted by these zoning districts, and the subject property is currently developed with such uses. However, office and retail uses on the subject property have not proven successful and are currently vacant.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental affects should be minimized by the screening, lighting, and compatibility standards of the Unified Zoning Code and the landscaped street

yard, parking lot screening, and buffer requirements of the Landscape Ordinance, which should limit noise, lighting, and other activity from adversely impacting the lower intensity residential area to the north.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Commercial" development. The proposed development of the subject property with a fire station is consistent with the "Commercial" land use designation. The Fire Station Location Study completed in February 2000 identifies the 21st Street North and Amidon area as the appropriate location to relocate Fire Station #7.
5. Impact of the proposed development on community facilities: No detrimental impacts on community facilities are anticipated.

MOTION: To approve, subject to staff comments and citing the findings in their report.

HENTZEN moved, **BARFIELD** seconded the motion, and it carried (12-0).

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11. **ZON2002-00011** – Steven and Mary Jo Rohr (owner/applicant); John H. Tasset (agent) requests Zone Change from MF-29 Multi-Family Residential to "GO" General Office on property described as:

Lot 2, Lincoln Hills Third, an Addition to Wichita, Kansas, Sedgwick County, Kansas. Generally located South of Harry and east of Mission.

BACKGROUND: The applicant requests a zone change from "MF-29" Multi-Family Residential to "GO" General Office on a 0.19 acre platted tract located south of Harry and east of Mission. The subject property also is located within Airport Overlay District III – North, which places additional land use controls on the property to ensure compatibility with operations at McConnell Air Force Base.

The subject property formally was developed with a duplex that recently has been razed. The applicant proposes to develop the subject property with expanded parking facilities for the adjacent dental office the applicant owns on the property to the north.

The surrounding area is characterized by commercial and multi-family residential uses. The property to the east is zoned "GO" General Office and "GC" General Commercial and is developed with a golf driving range. The property to the west is zoned "LC" Limited Commercial and is developed with a convalescent care facility. The properties to the north across Harry are zoned "LC" Limited Commercial and "B" Multi-Family Residential and are developed with a grocery store and apartments, respectively. The properties to the south are zoned "MF-29" Multi-Family Residential and are developed with duplexes.

CASE HISTORY: The property is platted as Lot 2, Lincoln Hills 3rd Addition, which was recorded January 16, 1954.

ADJACENT ZONING AND LAND USE:

NORTH: "LC" & "B"	Grocery store, apartments
SOUTH: "MF-29"	Duplexes
EAST: "GO" & "LC"	Golf driving range
WEST: "LC"	Convalescent care facility

PUBLIC SERVICES: The subject property has frontage along Mission, a paved local street; however, the subject property will have access to Harry through the abutting property to the north. Harry is a five-lane arterial street at this location with current traffic volumes of approximately 23,000 vehicles per day. The 2030 Transportation Plan projects traffic volumes on Harry to increase to approximately 36,000 vehicles per day. The proposed use of the subject property for parking should not increase the traffic generated by the property. In fact, providing additional parking for the dental office should reduce the potential for congestion on Harry from turning movements into the parking lot, which is small and requires tight turning movements to reach some of the parking spaces. Public water and sewer service are currently available to the subject property.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "High-Density Residential" development. The High-Density Residential category is intended to support residential densities in excess of 10 unit per acre, such as garden apartments, condominiums, and special residential accommodations for the elderly. The High-Density Residential designation is inconsistent with the Airport Overlay District, which limits residential development of the subject property to a density of less than 9 units per acre; therefore, office use of the subject property is more appropriate than high-density residential use.

RECOMMENDATION: Based upon the information available prior to the public hearings, planning staff recommends that the request be APPROVED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized by commercial and multi-family residential uses on properties that primarily are zoned "LC" Limited Commercial and "GC" General Commercial. The proposed "GO" General Office zoning is compatible with the zoning, uses, and character of the neighborhood.
2. The suitability of the subject property for the uses to which it has been restricted: The subject property is zoned "MF-29" Multi-Family Residential, which accommodates high-density, multi-family residential development and complementary land uses. High-density residential use of the subject property is not permitted by Airport Overlay District; therefore, using

the subject property to expand the existing office use located on the abutting property to the north is a more suitable use of the subject property.

4. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental affects should be minimized by the screening and lighting standards of the Unified Zoning Code and the buffer requirement of the Landscape Ordinance, which should limit noise, lighting, and other activity from adversely impacting the residential area to the south.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "High-Density Residential" development. The High-Density Residential designation is inconsistent with the Airport Overlay District; therefore, office use of the subject property is more appropriate than high-density residential use.
5. Impact of the proposed development on community facilities: No detrimental impacts on community facilities are anticipated.

MOTION: To approve, subject to staff comments and citing the findings in their report.

WELLS moved, **WARNER** seconded the motion, and it carried (12-0).

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12. **ZON2002-00012** – City of Wichita (owner); W. Chris and Sheila R. Arensberg, and Joe and Diane Chang (contract purchasers); Baughman Company P. A., c/o Phillip J. Meyer (agent) request Zone Change from Street right-of-way / "TF-3" Two-Family Residential to "GO" General Office on property described as:

Lots 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74 and 76, on Hillside, Indiana Subdivision in Vincennes Addition to Wichita, Kansas, Sedgwick County, Kansas. Generally located East of Hillside and south of Orme.

BACKGROUND: The applicant is requesting "GO" General Office zoning for a 0.85-acre tract located at the southeast corner of Hillside and Orme. The property is owned by the City of Wichita and is identified as surplus right-of-way. It was originally acquired for the Kellogg/Hillside interchange. The contract purchasers have acquired the residual property rights in the land and intend to construct offices on the site. The land south of the site also is vacant, but is owned by the contract purchasers for this application and was rezoned to "GO" General Office in 1999, subject to platting that was completed in 2001. If this application is approved, the two tracts could be developed together.

The property to the south is vacant but zoned for office use. A mix of nine residences and three offices are located west of Hillside between Orme and Gilbert. The property along Hillside in the next block to the south is interspersed with five office uses, one commercial use, and 15 residences. The remaining block on Hillside south to Lincoln includes all commercial uses except two four-plexes, and one residence. The prevailing sign heights along Hillside are low, generally below six feet in height, with two exceptions. Most are monument-style signs.

The area east of the site is all residential housing, mostly single-family. Calvary Cemetery is located two blocks to the northeast.

The application area has been vacant since it was acquired and cleared as part of the Kellogg construction in the mid-1970s. Prior to the 1970s, residences similar in character to the houses in the surrounding area occupied the property.

CASE HISTORY: The property was platted as Indiana Subdivision to Vincennes Addition in 1887. The alley to the east has been vacated (V-7992, March 26, 1923).

ADJACENT ZONING AND LAND USE:

NORTH:	Right-of-way	Kellogg off-ramp
SOUTH:	"GO" General Office	Vacant
EAST:	"TF-3" Two-Family	Residences
WEST:	"TF-3" Two-Family; "GO" General Office	Residences, offices

PUBLIC SERVICES: Average daily traffic (ADTs) on Hillside between Lincoln and Kellogg was 19,819 vehicles per day in 2000, projected to increase to 25,832 between Gilbert and Kellogg in 2030. Traffic counts are unavailable for Orme, but it was observed that Orme serves as a collector for northbound Hillside traffic from the neighborhood to the east.

The property has access via Orme and the applicant is requesting one right-in/right-out access onto Hillside near the southern of the tract as a joint access for both tracts. The tract to the south already provided for cross-lot circulation between the tracts as part of the subdivision plat. No left-turn movements would be permitted from the site due to its proximity to the Kellogg off-ramps and the raised median along Hillside extending from Kellogg to approximately 150 feet north of Gilbert. A signalized intersection at the entrance of the ramps to Kellogg facilitates traffic flow on Hillside, and allows gaps for cars exiting from Orme or Gilbert to Hillside.

Normal municipal water and sewer services are available.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this property as "low density residential" along with the surrounding neighborhood to the east. However, the property directly to the south and some of the block face across Hillside is identified as "office." The next two blocks to the south between Gilbert and Lincoln are shown as "commercial". The site is located on an arterial, one of the criteria for "Office

Locational Guidelines" in the *Comprehensive Plan*. The "Area Treatment Classification" identifies the area as "revitalization", which would be an area experiencing some decline, but where good market and development opportunities still exist.

RECOMENDATION: Based on these factors and upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting within one year. As part of the platting, staff will recommend that a cross-circulation access agreement be submitted and limitation of one right-in/right-out only access point located mid-block.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The land to the south is vacant but zoned "GO" for office development. The uses across Hillside from the site are mixed residential and office use. The property to the east (rear) of the site is in low-density residential use, zoned "TF-3" Two-Family Residential. Kellogg off-ramps form the northern boundary.
2. The suitability of the subject property for the uses to which it has been restricted: The property is currently vacant and is unlikely to be developed with single family or two-family residential use.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: "GO" General Office allows office uses, a few commercial uses, a wide range of public and civic uses, and a range of residential uses that would not be permitted in "TF-3" Two Family. The site size eliminates some of public, civic, and higher intensity residential uses. However, the development should provide a screening wall, a compatibility setback, and buffer of landscaping to reduce the impact on the residential neighbors to the east, as required by the Unified Zoning Code and Landscape Ordinance.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The requested change in zoning classification is not in conformance with the Wichita Land Use Guide, although there is a precedence for "office" designation on the Land Use Guide nearby.
5. Impact of the proposed development on community facilities: The projected increase in traffic should be small compared with the existing volumes on Hillside.

MOTION: To approve, subject to staff comments and citing the findings in their report.

HENTZEN moved, GAROFALO seconded the motion, and it carried (12-0).

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6. **ZON2002-00013** – Tyson R. and Shelly A. Thompkins (owner); Breitenbach Business Consultants c/o Katherine Breitenbach (agent) request Zone Change from "RR" Rural Residential & "SF-20" Single-Family Residential to "LI" Limited Industrial on property described as:

A tract of land in the SE/4 of Section 25, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, lying north of the Wichita Valley Center Flood Control R/W and being more particularly described as follows:

Commencing at the SE Corner of the SE/4 of Section 25, T28S, R1W of the 6th P.M., thence North along the East line of said SE/4 on an assumed bearing of N 0 degrees 17'E, 1546.23 feet to a point of beginning; thence N 36 degrees 58'W along the Northeasterly line of the Wichita Valley Center Flood Control R/W, 1375.68 feet (recorded distance of 1375') to a point on the north line of said SE/4; thence S 89 degrees 59'16"E along the North line of said SE/4, 832.70 feet to the NE Corner of said SE/4; thence S 0 degrees 17'W along the East line of said SE/4, 1098.98 feet to the point of beginning; EXCEPT for Road R/W on the East described as follows: Beginning at the NE Corner of said SE/4; thence S 0 degrees 17'W along the east line of said SE/4, 1098.98 feet; thence N 36 degrees 58' W along the Northeasterly line of the Wichita-Valley Center Flood Control R/W, 107.38 feet; thence N 02 degrees 27' 14" E, 132.02 feet; thence N 0 degrees 17'E, 300.00 feet; thence N 08 degrees 48'30" E, 202.37 feet; thence N 0 degrees 17'E, 381.30 feet; thence S 89 degrees 59'16"E, 30 feet to the point of beginning. Said tract containing 9.37 acres, more or less. Generally located North of 63rd Street South and west of Meridian.

BACKGROUND: The applicant requests a zone change from "RR" Rural Residential and "SF-20" Single-Family Residential to "LI" Limited Industrial on a 9.4 acre unplatted tract located north of 63rd Street South and west of Meridian. The subject property is currently used for agriculture. The subject property is located within the Zoning Area of Influence for the City of Haysville.

The surrounding area is rural in character. The property in all directions surrounding the site is zoned "RR" Rural Residential or "SF-20" Single-Family Residential and is used for agriculture. The nearest non-agricultural land use is Campus High School located approximately ½ mile north of the subject property. The city limit for the City of Haysville is located approximately ¼ mile south of the subject property; however, since the Big Ditch is within the City of Haysville in this location, the nearest developable property within the City of Haysville is located approximately ½ mile south of the subject property.

CASE HISTORY: The subject property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR" & "SF-20"	Agriculture
SOUTH:	"RR"	Agriculture
EAST:	"RR" & "SF-20"	Agriculture
WEST:	"RR" & "SF-20"	Agriculture

PUBLIC SERVICES: The subject property has access to Meridian, a two-lane County arterial street with traffic volumes of approximately 6,500 vehicles per day. The 2030 Transportation Plan projects that traffic volumes on Meridian will increase to approximately 14,600 vehicles per day and indicates that Meridian will need to be widened to four lanes in the future. The Sedgwick County Capital Improvement Program contains a project (R281) to widen Meridian from 47th Street South to 71st Street South. Design of the project is scheduled for 2002, but construction of the project is designated for an unspecified future year.

Municipal water and sanitary sewer service are not available to serve the subject property. The property is located in an area prone to shallow ground water, so developing industrial uses on the subject property with on-site water and sewer service would lead to a significant potential for groundwater contamination. The nearest water and sewer mains are located approximately ½ mile north of the subject property at 55th Street South and Meridian. Neither the City of Wichita or the City of Haysville have adopted plans indicating that water or sewer service will be extended to the subject property. The subject property is located outside the 2030 Urban Service Area; however, the property across Meridian to the east is located inside the 2010 Urban Service Area.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Wichita-Sedgwick County Comprehensive Plan identifies this area as appropriate for "Rural" development. Rural development areas consist of land outside the 2030 Urban Service Area and small city growth areas. The Rural category is intended to accommodate agricultural uses, rural based uses that are no more offensive than normal agricultural uses, and large lot residential subdivisions with provisions for future water and sewer services. The Land Use Guide for the City of Haysville identifies this area as appropriate for "Residential" development.

The Goals, Objectives, and Strategies of the Wichita-Sedgwick County Comprehensive Plan also provide guidance regarding land use. The Land Use-Commercial/Office section contains a strategy (III.B4) that states, "in those portions of rural unincorporated Sedgwick County outside the projected growth area, limit commercial development to those activities that are agriculturally oriented or provide necessary convenience services to residents in the immediate area, or provide highway-oriented services at interchange areas." The Land Use-Industrial section contains a strategy (IV.A2) that states, "in those portions of rural unincorporated Sedgwick County outside the projected urban growth area, allow industrial development only when it is agriculturally oriented, dependent upon a natural resource, or, as part of an appropriate expansion of an existing industrial area.

The Industrial Locational Guidelines of the Wichita-Sedgwick County Comprehensive Plan provide the following guidance regarding the appropriate location for industrial development:

1. Industrial areas should be located in close proximity to support services and be provided good access to major arterials, city truck routes, belt highways, utility trunk lines, rail spurs, airports, and as extensions of existing industrial areas.
2. Industrial traffic should not feed directly onto local streets in residential areas.
3. Industrial uses should be generally located away from existing or planned residential areas, and site so as not to generate industrial traffic through less intensive land use areas.

RECOMMENDATION: Based upon the information available prior to the public hearings, planning staff recommends that the request be DENIED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Surrounding land is zoned "RR" Rural Residential and "SF-20" Single Family Residential and is used for agriculture. The proposed "LI" Limited Industrial zoning is not consistent with the residential zoning, agricultural uses, and rural character of the area.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "RR" Rural Residential and "SF-20" Single Family Residential, which restricts the site to residential and agricultural uses. The subject property is suitable for both residential and agricultural uses and is located in area where the Land Use Guide for Wichita-Sedgwick County and Haysville indicate future residential development is appropriate. The most appropriate future zoning classification for the property is "SF-5" Single-Family Residential, which would permit urban scale development of residential uses when urban services are available to serve the site.
5. Extent to which removal of the restrictions will detrimentally affect nearby property: Granting the requested "LI" Limited Industrial zoning will set a precedent for this type of zoning at this rural location that has been designated a future residential area. The "LI" district permits a wide variety of intense commercial and industrial uses that would be incompatible with future residential development of the area and would detrimentally affect the residential viability of nearby property.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested change is not consistent with the Wichita-Sedgwick County Comprehensive Plan policies and strategy guidelines. According to the Wichita-Sedgwick County Comprehensive Plan recommendations, commercial/industrial uses should be located within the urban service area of a city and away from planned residential areas. The subject property does not meet either of these criteria. The requested change also is not consistent with the Land Use Guide for the City of Haysville, which indicates that the property should be developed with residential uses.
5. Impact of the proposed development on community facilities: The requested change would introduce commercial/industrial land uses to an area lacking appropriate community facilities. Fire and crime protection services cannot be adequately provided to a commercial/industrial business at this remote location. On-site water and sanitary sewer service for a commercial/industrial business at this location would lead to a significant potential for groundwater pollution since the site is located within an area prone to shallow ground water.

SCOTT KNEBEL, Planning Staff, presented the staff report. Haysville has recommended that this request be denied. Planning staff recommends denial. The Land Use Guide identifies this area as appropriate for "Rural development. The Comp Plan provides guidelines for industrial development to be close to highway interchange areas.

WARREN In the Haysville area influence?

KNEBEL Yes, denied 9-1.

TYSON THOMPSON, applicant, I bought the property for the purpose of going Industrial or Commercial. We did have a preference. Water and sewer services, we were going to do a septic system and a well. Also, in the staff report about the increased traffic, it is a good spot for commercial development. By the time you get four lanes in there we thought this would be the best place to put the building there because nobody is going to want to put a house in there. We want it industrial or commercial. We have spent a lot of money already. Someone said we could do it industrial.

WARREN What would you like to put on this property.

THOMPSON Lease it as a warehouse. Put a slab down and lease it out for a warehouse.

WARREN What some kind of storage or a business?

THOMPSON An 8,000 square foot building.

WARREN I am not opposed to looking at this ground for something other than residential; but I have to go along with staff in this case because we don't know what the use is going to be for.

MOTION: To deny as recommended in the staff report and citing the findings contained in the staff report.

WARREN moved, **GAROFALO** seconded the motion, and it carried (12-0).

8. **ZON2002-00010** – Jeff W. Bannon (tower); Gary Wiley, PEC, P.A., (agent) requests Zone Change from "NR" Neighborhood Retail to "LC" Limited Commercial and amendment of Protective Overlay #41 on property described as:

Lots 1 and 2, Calliando 11th Addition, Wichita, Sedgwick County, Kansas. Generally located approximately 1100 feet south of Harry and west of Webb Road.

BACKGROUND: The applicant requests a zone change from "NR" Neighborhood Retail to "LC" Limited Commercial on Lot 2, Calliando 11th Addition. The applicant also requests an amendment of PO (Protective Overlay) #41 on Lots 1 and 2, Calliando 11th Addition. The purpose of both requests is to allow uses permitted in the "LC" Limited Commercial district.

In 1998, the applicant rezoned Lot 1 from "GO" to "NR", and rezoned Lot 2 from "GO" to "LC". A condition of the 1998 rezoning was PO #41, which reads as follows:

1. Complete access control to Webb Road shall be maintained except for the north 60 feet of Lot 2, and the south 60 feet of Lot 1.
2. The owner of Lot 1 shall allow access between his driveway opening and the lot abutting to the south of Lot 1.
3. The owner of Lot 2 shall allow access between his driveway and the lot abutting to the north of Lot 2.
4. The south 57.5 feet of Lot 2 shall be limited to those uses and signs permitted on properties zoned "NR" Neighborhood Retail district.

The applicant indicates that he has tried to market the "NR" zoned Lot 1 unsuccessfully since the 1998 rezoning, he feels that this property would be marketable if zoned "LC". Likewise, the applicant feels that Lot 2 would be marketable if PO # 41 item 4 were removed.

The .64-acre zone change application area, and the 1.49-acre site adjoining to the north are both vacant. Property to the north is zoned "GO" and developed with a single family residence, further north is the "LC" zoned and commercially developed Harry and Webb intersection. South of the application area is an "SF-5" zoned single-family residence, further south are "TF-3" zoned two-family residences. East of the application area, across Webb, is an "SF-5" zoned single-family residence, and an "SF-5" zoned church. West of the application area are "TF-3" zoned two-family residences, and "GO" zoned property developed with offices.

A change from "NR" to "LC" zoning at this location, to include removal of PO #41 item 4, would permit additional and more intense uses. Examples of these more intense uses would include restaurants with drive through windows, convenience stores, nurseries and garden centers, pawn shops, night clubs, car washes as a conditional use, and others. Commercial development at this location, whether under "NR" or "LC" zoning, would require conformance to all development standards of the Unified Zoning Code, to include compatibility setbacks from residential neighbors, screening, and compliance with the Landscape Ordinance.

CASE HISTORY: The application area was rezoned from "GO" to "NR" and "LC" in August of 1998, a condition of that zone change was PO #41, mentioned above. The 1998 zone change case also removed a previously existing restrictive covenant, which restricted uses on the site to those permitted in the "BB" Office district and a car wash.

ADJACENT ZONING AND LAND USE:

NORTH:	"GO" and "LC",	single-family residence and commercial uses
SOUTH:	"TF-3" and "SF-5",	single and two-family residences
EAST:	"SF-5",	single-family residence, church

WEST: "GO" and "TF-3", office uses and two-family residences

PUBLIC SERVICES: All normal public services are available. Webb Road is a section line road with a 100-foot right of way; Webb was recently improved to four lanes at this location. This section of Webb Road had a March 2001 traffic count of 10,275 ADTs (average daily trips) and a 2030 traffic count projection of 12,176 ADTs.

CONFORMANCE TO PLANS/POLICIES: The updated "Wichita Land Use Guide" of the *Wichita-Sedgwick County Comprehensive Plan* identifies the application area as "Commercial".

RECOMMENDATION: The "Wichita Land Use Guide" identifies the application area as "Commercial". Likewise, the application area meets the "Commercial Locational Guidelines" of the Plan. Staff feels that PO #41 could be amended to allow "LC" zoned uses on the application area, but still control vehicular traffic access, and protect the residential neighbors from excessive commercial signage. Based upon information available prior to the public hearing, planning staff recommends that the zone change request, from "NR" to "LC" be APPROVED; also, based upon information available prior to the public hearing, planning staff recommends that PO #41 be amended to read:

1. Complete access control to Webb Road shall be maintained except for the north 60 feet of Lot 2, and the south 60 feet of Lot 1.
2. The owner of Lot 1 shall allow access between his driveway opening and the lot abutting to the south of Lot 1, should that property be rezoned to a non-residential district.
3. The owner of Lot 2 shall allow access between his driveway and the lot abutting to the north of Lot 2.
4. The owners of lots 1 and 2 shall allow cross access between the two lots.
5. No portable or off-site signs shall be allowed on Lot 1 or 2.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood. The neighborhood surrounding the application area is a mixture of non-residential and commercial uses fronting Webb Road, and office and residential uses on collector and residential streets. The arterial streets at this location are in transition from some previous residential uses to commercial uses, as indicated by the new Dillon's and Walgreen's at the Webb/Harry intersection.
2. The suitability of the subject property for the uses to which it has been restricted. The property could be developed as zoned and restricted to "NR" uses. However, the applicant indicates an inability to market the property as currently zoned and restricted.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed zone change would permit development which could result in increased traffic, and more intense uses. The proposed PO amendment would continue to control traffic access, and would control the impact of signage on residential neighbors. Also, development standards of setbacks, screening, and landscaping should mitigate any negative impacts of "LC" permitted development on the residential neighbors.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The requested change is in conformance with the "Wichita Land Use Guide" and "Commercial Locational Guidelines" of the Plan.
5. Impact of the proposed development on community facilities: An increase in traffic at this location could occur as a result of "LC" uses at the application area. Webb Road can easily accommodate the anticipated increase in traffic. Likewise, the proposed PO #41 should mitigate negative impacts by controlling the access of traffic at the application area.

JESS MCNEELY, Planning Staff presented the staff report. Staff recommended that the zone change request from NR to LC be approved. Also, based upon information available prior to public hearing, planning staff recommends that PO #41 be amended. Conditions are found in the findings.

BETTY COX, neighbor, indicated she lives directly adjacent to the property in question. Mr. Bannon told me he wanted to put in fast food. That's my understanding. These are open uses, they use loud speakers to conduct business. Crows have taken over. Trash pick up is as early as 5 A.M. These type uses are very difficult to live with. At Harry and Webb there's McDonalds and Dairy Queen. That's 5 minutes access and 5 minutes to Rock Road. These people who signed this letter to accept this don't live here. This 1720, that is the ninth different family who has lived there.

GAROFALO Point out where you live.

MICHAELIS Owner and applicant are not here for the discussion, for the record.

GAROFALO I have a question? Did DAB hear this?

MCNEELY No, this did not go to DAB.

BARFIELD "NR" Neighborhood Retail does not allow for fast food restaurants? Drive through are permitted in "LC" Limited Commercial zoning.

MOTION: To approve, subject to staff comments and citing the findings in their report.

HENTZEN moved, WARREN seconded the motion, and it carried (11-1) GAROFALO opposed.

9. **CON2002-00009** – City of Wichita, c/o Norman Jakovac requests Conditional Use to allow safety services on property described as:

Odd numbered Lots 1-19 on Irving, Garfield Addition, Wichita, Sedgwick County, Kansas, excluding part taken for R.O.W. Generally located southeast of the McCormick – Meridian Avenue intersection, on the southeast corner of Irving Street and Meridian Avenue.

BACKGROUND: The applicant is requesting consideration for a Conditional Use to allow construction of a “Safety Services” on property zoned “MF-29” Multi-Family Residential on its west half and “TF-3” Two Family Residential on its east half. The site (0.79 acres, odd numbered Lots 1-19, Garfield Addition) is generally located southeast of the McCormick Avenue – Meridian Avenue intersection, on the southeast corner of Irving Street and Meridian Avenue. The applicant proposes to build an 8,980 square-foot Fire Station. The applicant has submitted a site plan showing the proposed use. At the MAPC’s March 21, 2002, meeting the applicant’s request to vacate a platted 20-ft alley abutting the site on its south side was approved. This request, VAC2002-00002, will go to the Wichita City Council April 9, 2002 for final action.

Currently this corner site is vacant. The corner site abuts Meridian Avenue on the west side, Irving Street on the north side, Sedgwick Street on the east side and the previously mentioned proposed vacated alley on the south side. Meridian Avenue is a 4-lane arterial. Irving Street and Sedgwick Street are residential roads. Irving Street is a dirt road, without curb or gutter at this location. The project cost (construction of the Fire Station) includes the improvement of Irving. Sedgwick Street is paved with concrete and has curb and gutter. The alley is not paved. The proposed Fire Station will have two entrances - drives to the site, one off of Meridian Avenue, on its west side, and the other off of Sedgwick Street, on its east side. The entrance - drive off of Meridian leads directly to 3 service doors for Fire Department (FD) vehicles. The entrance - drive off of Sedgwick also leads to 3 service doors and parking lots for the F D off its north and south sides. Parking is also shown on Irving Street. There are 15 paved parking spaces for the FD personnel. There will be 15 FD personnel assigned to the station, divided into 5 FD personnel for 3 shifts. The 8 parking spaces on Irving are intended for use by the public. The total of 23 parking spaces is sufficient for this site and use.

The site plan shows a 6-foot wooden fence along the site’s south side where it abuts residential property. The 6-foot wooden fence drops to 3-feet at the southeast and southwest corners, along the existing sidewalks to allow a clear line of sight for FD vehicles coming onto Irving and Meridian and for pedestrian and public vehicular traffic approaching the Fire Station. The landscape plan shows a combination of landscaping and screening around the condensing units, the transformer and residential type trash containers. There is a landscaping plan on the parking lot that is being reviewed. Setbacks and easements need to be shown on the site plan.

The properties to the south and north are zoned “TF-3” Two Family Residential and “MF-29” Multi-Family Residential. They are developed as single family residential with the exception of a property to the north redeveloped as a tri-plex. The site is separated from the residences on the north by Irving Street. The proposed vacated alley separates the site from the properties on the south. The property to the west is zoned “MF-29” Multi-Family Residential, developed as single family residential and separated from the site by Meridian Avenue. The properties to the east are zoned “TF-3” Two Family residential, developed as single family residential and separated from the site by Sedgwick Street. All “MF-29” zoning is adjacent to Meridian Avenue.

The Unified Zoning Code requires a Conditional use for a “Government Service” in all residential zoning districts. A “Safety Service” can be and in this case is a “Government Service” The construction of the Fire Station will trigger the landscaping/ screening, parking, and supplemental standards, per the Unified Zoning Code, for “Government Services” as a Conditional Use.

CASE HISTORY: This proposed development is based on criteria as detailed in the February 2000, City of Wichita, Fire Station Location Study and input from citizens. Originally Fire Station #4, located off of Martinson & West Douglas was to be relocated to 127th Street East & Kellogg. Fire Station #13, located off of West & Bonus was to be relocated to K-42 & Harry Street West. The site was selected as a replacement sites for both Fire Stations #4 and #13

ADJACENT ZONING AND LAND USE:

NORTH:	TF-3	Single Family Residential	Residential
	MF-29	Multi-Family Residential	Residential
EAST:	TF-3	Single Family Residential	Residential
SOUTH:	TF-3	Single Family Residential	Residential
	MF-29	Multi-Family Residential	Residential
WEST:	MF-29	Multi- Family Residential	Residential

PUBLIC SERVICES: Meridian is a 4 lane arterial. Sedgwick Street is a paved 2 lane residential road. Irving Street is an unimproved residential street. Average Daily Trips (ADT) at the intersection of Meridian Avenue and McCormick Avenue (1 block north of this location) are 19592 ADTs on the north side, 18596 ADTs on the south side. 6196 ADTs on the east side and 5144 ADTs on the west side. McCormick Avenue is a 4 lane arterial. The McCormick – Meridian intersection is a controlled intersection with turn lanes and decel lanes on McCormick. There is gas, water, sewer and electricity for the site.

CONFORMANCE TO PLANS/POLICIES: The Comprehensive Plan identifies this property as appropriate for Low Density Residential. Low Density Residential provides for the lowest density of urban residential land use, at 1 – 6 dwelling units per acre. Development can consist of single family detached homes, zero lot line units, cluster subdivisions and planned developments with mixed housing types that may include townhouses and multi-family. Schools, churches and other similar uses may be found in this category. A Fire Station is a “Government Service – Safety Service”, which is classified by the Land Use Guide as a Public/Institutional use. Public Institutional uses include government employment centers or facilities, libraries, educational facilities, churches, hospitals, private schools and cemeteries. The Unified Zoning Code requires a Conditional Use for “Government

Service", in "RR", "SF-20", "SF-10", "SF-5", "TF-3", "MF-18", "MF-29", and "B" residential zoning districts, plus the "NO", "GO" and "NR" non-residential zoning districts.

RECOMMENDATION: Based on the information available prior to the public hearing, staff recommends the application be APPROVED, with the following conditions.

1. Irving Street be paved, curbed and guttered according to City Standards.
2. Development of the site shall be in conformance with the approved Site Plan as outlined in the Conditional Use application. The site plan will include dimension control.
3. Any violation of the conditions approved as a part of this request shall render the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood. The applicant's site is zoned "TF-3" Two Family Residential and "MF-29" Multi-Family Residential. The surrounding area is zoned both "TF-3" and "MF-29". The immediate surrounding area is developed as single family residential.
2. The suitability of the subject property for the uses to which it has been restricted: Residential development on the site is possible. However the February 2000, City of Wichita, Fire Station Location Study and input from citizens have identified this site as one that would be appropriate for a Fire Station.
3. Extent to which removal of the restrictions will detrimentally affect nearby property. Any detrimental affects would be mitigated by the recommended condition of approval and code required development standards, including the improvement of Irving Street.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The Comprehensive Plan recommends the best use for this area as Low Density Residential. The February 2000, City of Wichita, Fire Station Location Study and input from citizens which are served by the City's Fire Stations have identified this site as one that would be appropriate for a Fire Station.
5. Impact of the proposed development on community facilities: Development of a Fire Station at this site would allow for one station to replace two, provide improved levels of service and reduce operation cost.

MCKAY left at 2:30 p.m.

BILL LONGNECKER, Planning Staff, presented the staff report.

BARFIELD No provision for improvements on Sedgwick Street?

LONGNECKER Irving is paved.

WELLS Is this project under construction?

LONGNECKER Yes it is.

JEFF CARTWRIGHT, agent with MKEC, noted the project is currently under construction.

MOTION: To approve, subject to staff comments and citing the findings in their report.

HENTZEN moved, **BARFIELD** seconded the motion, and it carried (11-0).

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13. **CUP2002-00006** – City of Wichita c/o Norman Jakovac (owner); MKEC Engineering Consultants, Inc., c/o Dean Sellers request DP-78 Amendment The Moorings C.U.P. Amendment #2 to create Parcel 15 and allow safety service as a permitted use on property described as:

Commencing at the Northeast corner of Government Lot 3, Section 25, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; thence North on the East line of said Section 25 for a distance of 771.83 feet to the Northeast corner of Hallock Addition to Sedgwick County, Kansas; thence West on the north line of said Hallock Addition for a distance of 377.5 feet to the Point of Beginning, being 40 feet North of the South line of 42nd Street North; thence West on the North line of said Hallock Addition for a distance of 300 feet to the centerline of the 25 foot Aqua Duct Easement as condemned on Case No. CC-10410; thence North on the center line of said 25 foot Aqua Duct Easement for a distance of 300 feet; thence East parallel with the North line of said Hallock Addition for a distance of 300 feet; thence South 300 feet to the Point of Beginning; EXCEPT for the South 50 feet thereof which is dedicated for street right-of-way on Film 174, Page 182. Generally located North of 42nd Street North and west of Meridian.

BACKGROUND: The applicant is requesting an amendment to DP-78 The Moorings Community Unit Plan to create Parcel 15 from the western half of Parcel 12 and to allow safety service for constructing a new fire station. The site is 1.94 gross acres (1.72 net acres) and is located approximately 300 feet west of Meridian on the north side of 42nd Street North.

The site plan shows a two-bay fire station with two drive entrances onto 42nd Street North and parking on the north side of the building. An existing shelterbelt of trees would be retained on the north. The fire station occupies approximately two-thirds of the

site, allowing for potential expansion of the fire station or other safety service type use in the future. In this case, it might require removal of some of the existing trees.

Riverlawn Christian Church, on property zoned "LC" Limited Commercial, is located to the south of the application area. The surrounding area to the east, north and west is zoned "SF-5" Single-Family and is part of DP-78 The Moorings, but is undeveloped. The Moorings is a large C.U.P. of 237 acres that extends three-fourths mile to the north and is developed around a lake created from an old sand pit. Almost all the northern portion of the C.U.P. is developed with single-family residences, although some of the area was approved for higher density residential use. The vacant area near the fire station site was intended for residential development with varying densities also. Three commercial parcels are zoned "LC" Limited Commercial. These parcels are located along Meridian to the northeast of the application area. They are developed with a church, a small office, and a 10-acre tract (Parcel 8) that is vacant.

The Unified Zoning Code requires a "Conditional Use" for a "safety service" in all residential zoning districts. The construction of the fire station would trigger the landscaping/ screening, parking, and supplemental standards, per the Unified Zoning Code, for "safety service" as a "Conditional Use", even though it is treated as a C.U.P. amendment to DP-78. The proposed setback for Parcel 15 is 25 feet. This is below the standard 35-foot setback on commercial C.U.P.s but is in character with residential setbacks and greater than the 20-foot residential setback for the property to the east (Parcel 12).

CASE HISTORY: The application area is unplatted. A platting extension was granted until November 25, 1991. All of the C.U.P. were platted except Parcels 11-14 (and including the newly created Parcel 15 requested by this amendment). A plat for the adjacent property to the northwest was filed in 1993 as The Moorings 8th Addition, but never completed and was closed in 1999. No corresponding action was taken to close the C.U.P., which therefore remains in effect. The area had a "Conditional Use" for a sand pit (CU-63) that has expired.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-5" Single-Family	Vacant, church, residences
EAST:	"SF-5" Single-Family	Vacant
SOUTH:	"LC" Limited Commercial	Church
WEST:	"SF-5" Single-Family	Vacant

PUBLIC SERVICES: Meridian is a four-lane arterial, and 42nd Street North is a two-lane local street without curb and gutter. Traffic counts for 2000 were unavailable. Average Daily Trips (ADTs) between I-235 to 45th Street North (Key West Street) are projected to be 18,660 in 2030.

Normal municipal water and sewer services are available.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide, amended 1/02" of the *1999 Update to the Wichita Sedgwick County Comprehensive Plan* identifies this property as "public/institutional". The Unified Zoning Code requires a "Conditional Use" for "Government Service" in the "SF-5" zoning district.

This proposed site was identified as a new fire station location in the *City of Wichita Fire Station Location Study* (February 2000, adopted by the Wichita City Council).

RECOMMENDATION: Based on the information available prior to the public hearing, staff recommends the request be APPROVED, subject to platting of Parcel 15 within one year and subject to the following conditions:

1. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the Plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
2. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
3. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
4. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood. The site is zoned "SF-5" Single-Family and all adjacent property is zoned "SF-5" and is undeveloped except the church to the east, which is zoned "LC" Limited Commercial. The property farther north, including the rest of DP-78, is zoned "SF-5" and developed primarily with single-family residences, or is zoned "LC" and developed with an office and a church, with ten acres of "LC" property remaining undeveloped. There is a residual tract between the northwest and southwest part of DP-78 that is held in separate ownership and not part of the C.U.P. This residual tract is zoned "SF-5" and has a house, and several outbuildings and a sizeable amount of outdoor storage.
2. The suitability of the subject property for the uses to which it has been restricted: Residential development on the site is possible.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental effects would be mitigated by the C.U.P. and UZC requirements for landscaping and screening, parking and other development standards.
4. Length of time the subject property has remained vacant as zoned: The property has been zoned and approved for residential development since 1976.
5. The relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Development of a fire station at this site would reduce response time for fires in the north central area of Wichita, thus improving the delivery of community services.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The property is in conformance with the Comprehensive Plan and city policies. It is shown for "public/institutional" use on the "Wichita Land Use Guide, amended 1/02" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan*, and selected as a future fire station site by the *City of Wichita Fire Station Location Study* (February 2000, adopted by the Wichita City Council).
7. Impact of the proposed development on community facilities: Emergency vehicles entering and exiting the site might conflict with traffic from the parking lot to the south, but this conflict should be minimal due to the sporadic nature and small amount of trips generated by a fire station. The fire station might generate a need for 42nd Street North to be paved to the city's local street standards.

GAROFALO There were improvements on Irving. 42nd Street is without curb or gutter.

GOLTRY I asked the question at Subdivision, but it is already a paved street.

MOTION: To approve, subject to staff comments and citing the findings in their report.

HENTZEN moved, **GAROFALO** seconded the motion, and it carried (11-0).

4/1. VAC2002-00005 – Request to vacate 63rd Street South.

MOTION: To re-open the discussion on Item 4-1.

WARREN moved, **BARFIELD** seconded the motion, and it carried (11-0).

HENTZEN Can we do that??

KROUT The attorney was here for Vulcan. I think you can, but if you decide to change your position, then we really should defer to provide an opportunity for the applicant to speak to you.

WARREN I drove out to look at this thing. We are vacating a mile from Hoover to Ridge. People will be driving two miles to get around there. I don't have any problem with what they are trying to do for a nature thing, and maybe for safety, but there are other ways to address this.

BARFIELD We did try to address that.

WARREN I don't always take the County's position. Closing 63rd Street out there, there could be a heavy development out there.

BARFIELD I thought Subdivision was talking about future uses of that road. Having a private road and as far as the County was concerned, this request is o.k.

MICHAELS We can leave things the way they are or we could defer this for two weeks.

KROUT Any motion that you make should be voted on.

MICHAELIS Asked for a show of hands on going any further with the discussion. The show of hands resulted in 3 for additional action and 6 against reconsideration.

JOHNSON Will this go to County Commission?

KROUT Yes, it will go to County Commission and I will talk to them and express your comments and concerns to them.

3/3. SUB2002-24 – One-Step Final Plat of FIRE STATION 13 ADDITION (Assoc. with CUP2002-06 DP 78 Amendment #2), generally located on the north side of 42nd Street North, west of Meridian.

- A. Municipal water and sanitary sewer are available. **City Engineering** needs to comment on the need for other guarantees or easements. **No guarantees are required.**

- B. This plat will be subject to approval of the associated CUP amendment and any related conditions of such an amendment. Prior to this plat being scheduled for MAPC review, the CUP Amendment will need to be approved.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. **City Engineering** needs to comment on the status of the applicant's drainage plan. **The drainage plan is approved.**
- E. A note shall be placed on the final plat tracing, indicating that this Addition is subject to the conditions of the Moorings Community Unit Plan (CUP 2002-06, DP-78 #2).
- F. This property is within a zone identified by the City Engineers' office as likely to have groundwater at some or all times within 10 feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended, and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineers' office.
- G. A CUP Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved CUP (referenced as DP-78 #2) and its special conditions for development on this property.
- H. On the final plat tracing, the Mayor's signature line shall be replaced with the City Manager, preceded above by "At the direction of the City Council".
- I. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- J. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- K. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- L. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- M. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- N. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- O. Perimeter closure computations shall be submitted with the final plat tracing.
- P. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- Q. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property. **Westar Energy requests additional easements.**
- R. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

JOHNSON moved, **COULTER** seconded the motion, and it carried (11-0).

14. **Briefing on the proposed Transportation Improvement Program (T.I.P.) for the years 2002 to 2007, including review of Federally Funded projects, and setting of a public hearing date for April 18, 2002, to approve the T.I.P.**

GAROFALO Did Council take action on this?

MEHTA They have it in there CIP program the change would happen in the TIP one year sooner.

BARFIELD If you were to go forward with this it would have to affect some other projects?

MEHTA From the spreadsheet the first three on this new list are already included what is not in it is the 6th project down this list and the 7th and the 8th project are right now because we are not even proposing it right now. ON Monday Haysville and Mulvane regarding federal funds for there projects I am just brining this to your attention. The Wichita Transit is requested on Item #8 for the Van Pool Program

ANDERSON I am not sure I understand the Planning department and this Boards involvement in this. The City's CIP they have already figured in the federal funds already?

MEHTA Yes, they have.

ANDERSON Why would we modify the WCC recommendation?

MEHTA The shifting of years so that your document is fiscally controlled at this stage we tweak the CIP.

ANDERSON Van pool program is that in the City's CIP program?

MEHTA No.

ANDERSON We are recommending with this document to have a van pool program that the City does not have in the CIP program? Did the MTA request this van pool program?

MEHTA Yes, we do have some funds.

KROUT Not by the City budget or the City Managers office. The funds have to be transportation spent.

ANDERSON I have been troubled the way the transportation federal funds are handled it seems like we are doing our own financing identity.

KROUT No, we are not recommending the van pool program unless the public hearing and the public and the city has heard the recommendation we are trying to spend down the federal requirements with the money. Their years and ours do not match you are the decision maker for the federal funds they are not asking WCC or BCOC or equivant body like the MPO. Since 1960's Planning Commission here and in Lawrence and in Topeka it means recognizing the WCC and BCOC.

ANDERSON I think that it is an important financing tool for those participating in with what to do with these funds I hope that we have more time to spend on discussing this and the program elements. How did these projects get inserted in here?

MICHAELIS Maybe between now and two weeks may I suggest that you get with Jamsheed.

ANDERSON I don't want to impose myself on the Planning Department. If the MAPC is not interested we should just go forward with it.

JOHNSON How long have you been doing this?

METHA You are the MPO since 1974 there is a updated to the TIP every year.

JOHNSON Is there anyone else in your Dept worked with the TIP or the MPO as long as you have? There is a lot of work that goes into this and we will have a little more time to work on it.

METHA Ice Tea Program in the 70's and the 80's. Since 1991 you are the coordinator and the final say with the federal funds being the MPO. Federal guidelines have changed

GARAFALO If we decided to shift projects around and change the schedule we would have the authority to do that?

MEHTA You could do that but the City and the County will match and we want to same on the same wave with them.

GAROFALO Woodlawn with Bel Aire the City of Wichita was opposed to that. I think we voted to do that and I think that was included to do that we shifted some money or something maybe the year.

MEHTA Right, we shifted the year. The MPO had the final say in that.

ANDERSON Examine what this is and I am aware of the fact that the Planning Department is responsible with this program. It might be possible that we do it a little differently we are talking about a lot of money here and this agencies is responsible for these projects and we can be given this opportunity and make quite a bit of impact on the community.

MICHAELIS Next time we hear about this Jamsheed, if anyone is here and makes recommendation Jamsheed you will comply with that?

MEHTA That is correct

ANDERSON If everyone would be interested a little bit more than we could make an impact.

HENTZEN We are the MPO and we should do all we can to qualify for the federal programs.

MOTION: April 18th for the public hearing on the TIP

HENTZEN moved, **GAROFALO** seconded the motion, and it carried (11-0).

The Metropolitan Area Planning Department informally adjourned at 3:05 p.m.

State of Kansas)
Sedgwick County) ss

I, Marvin S. Krout, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on _____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____ day of _____, 2002.

Marvin S. Krout, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)